IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADVANCEME, INC., Plaintiff, v. RAPIDPAY LLC, FIRST FUNDS LLC, MERCHANT MONEY TREE, INC., REACH FINANCIAL, LLC, and FAST TRANSACT, INC. d/b/a SIMPLE CASH, Defendants.	§ § § § § § § § § § § § § §	CASE NO. 6:05-CV-424 (LED – JDL)
ADVANCEME, INC., Plaintiff, v. AMERIMERCHANT, LLC, Defendant.	§ § § § § § § § § §	CASE NO. 6:06-CV-082 (LED – JDL) JURY TRIAL DEMANDED

AFFIDAVIT OF RONALD LEMIEUX IN SUPPORT OF ADVANCEME, INC.'S EMERGENCY MOTION FOR A PROTECTIVE ORDER IN CONNECTION WITH A SUBPOENA THAT WAS SERVED ON THIRD PARTY JOHN KONOP AND THE SCHEDULING OF HIS DEPOSITION ON FEBRUARY 8, 2007, A DATE THAT COUNSEL FOR ADVANCEME IS UNABLE TO ATTEND

I, Ronald S. Lemieux, declare as follows:

1. I am an Partner with the law firm of Paul, Hastings, Janofsky & Walker LLP, counsel for plaintiff AdvanceMe, Inc. ("AdvanceMe") in the above-referenced matter. I have personal knowledge of the following facts except as otherwise noted and, if called upon to do so,

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could and would testify competently thereto.

2. John Konop is a former corporate officer of AdvanceMe who had significant exposure to attorney-client documents and communications during his employment with AdvanceMe.

3. The senior attorneys responsible for this case, Ronald Lemieux, Michael Edelman, Vid Bhakar, and Robert Matz, are all scheduled for other depositions or commitments on February 8, 2007 and are unavailable to attend the deposition of Mr. Konop.

4. On Thursday, February 8, 2007, I am scheduled to conduct the deposition of an expert in *Mediatek v. Sanyo*, Civil Case No. 6:05-323, which is presently pending before Judge Davis.

5. AdvanceMe is not seeking to reschedule Mr. Konop's deposition for any improper purpose.

I swear under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

SIGNED: February 5, 2007

Ronald S. Lemieux, Bar No. 120822, Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system pursuant to Fed.R.Civ.P. 5(d) and Local Rule 5(c) on this the 5th day of February, 2007. Any other counsel of record will be served by first class mail on this same date.

/s/
Robert C. Matz

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for plaintiff AdvanceMe, Inc. has conferred with counsel for Defendants Merchant Money Tree, Inc., First Funds, LLC, Reach Financial, LLC, and AmeriMerchant, LLC in a good faith attempt to resolve the matter of this motion without Court intervention but was unable to reach any agreement. Defendants oppose this motion.

/s/
Robert C. Matz